

FARUKI IRELAND & COX P.L.L.

ATTORNEYS AT LAW

TRUSTED WISDOM. EXTRAORDINARY RESULTS.

Respond to Dayton Office

Robert P. Bartlett, Jr.
(937) 227-3707
rbartlett@ficlaw.com

September 26, 2012

VIA ELECTRONIC MAIL
AND REGULAR U.S. MAIL

Carol Ropski
U.S. Environmental Protection Agency
Superfund Division
Enforcement and Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: South Dayton Dump and Landfill Site in Moraine, Ohio
Site Spill Identification Number: B52B
General Notice of Potential Liability

Dear Ms. Ropski:

This letter responds to the September 10, 2012 letter regarding the South Dayton Dump and Landfill Site in Moraine, Ohio ("Site"). I am writing on behalf of Cox Media Group Ohio ("Cox Media"). Cox Media has conducted a preliminary investigation into the EPA's allegations relating to the Site. Based on that investigation, Cox Media declines to agree to reimburse the EPA for costs incurred to date, and Cox Media does not agree to voluntarily perform or finance the response activities that the EPA has determined, or will determine, are required at the Site.

As requested on page 3 of the September 10 letter, the following is Cox Media's status report of its involvement in pending litigation relating to the Site. On June 29, 2012, in the case captioned Hobart Corporation, et al. v. Waste Management of Ohio, Inc., et al., Case No. 3:10-CV-00195, which has been pending in the Southern District of Ohio before Judge Walter H.

201 East Fifth Street
Suite 1420
Cincinnati, Ohio 45202
513-632-0300
Fax 513-632-0319



ficlaw.com

500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402
937-227-3700
Fax 937-227-3717

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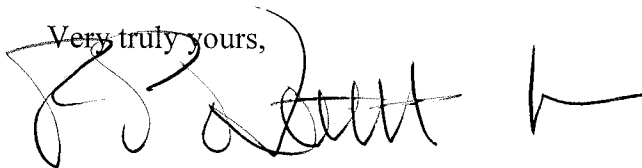
Rice since May 24, 2010, Plaintiffs Hobart Corporation, NCR Corporation and Kelsey-Hayes Company filed a Motion for Leave to File Third Amended Complaint. See attached. The Third Amended Complaint includes additional named defendants, including Cox Media. As of the date of this letter, the Court has not ruled on Plaintiffs' Motion for Leave. Therefore, Cox Media is not a party to the lawsuit, and Cox Media has not participated in the lawsuit. Since Cox Media is not a party to the lawsuit, it declines to send a copy of this letter to any of the parties to the lawsuit, as requested by the EPA in its September 10 letter.

Finally, please direct all future communications regarding this matter to me,
Robert P. Bartlett, Jr., legal counsel for Cox Media:

Robert P. Bartlett, Jr., Esq.
Faruki Ireland & Cox P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402
(937) 227-3707

If I am unavailable, please contact Jeff Ireland at the same address. His direct number is (937) 227-3710. If you have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert P. Bartlett, Jr.', with a stylized flourish at the end.

Robert P. Bartlett, Jr.

RPB/slr
Enclosure

cc: D. Jeffrey Ireland, Esq.
Erin E. Rhinehart, Esq.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

HOBART CORPORATION, <i>et al.</i> ,)	CASE NO. 3:10-CV-00195
)	
Plaintiffs,)	JUDGE WALTER HERBERT RICE
)	
vs.)	
)	
WASTE MANAGEMENT OF OHIO,)	
INC., <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS HOBART CORPORATION, NCR CORPORATION AND
KELSEY-HAYES COMPANY'S MOTION FOR LEAVE
TO FILE THIRD AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15(a), Hobart Corporation, Plaintiffs NCR Corporation and Kelsey-Hayes Company (collectively "Plaintiffs") hereby request leave to file their "Third Amended Complaint." Through this motion, Plaintiffs seek to amend their Second Amended Complaint (Doc. No. 69), which was filed on January 11, 2011, to: add additional newly-discovered defendants; add a theory of owner/operator liability against Defendant Dayton Power & Light Company; and add allegations that Defendant Waste Management of Ohio, Inc. is the successor to waste transporters not identified in the Second Amended Complaint. This motion is supported by the attached memorandum of law.

Dated: June 29, 2012

Respectfully submitted,

/s/ Michael A. Cyphert

Michael A. Cyphert, Esq. (0007086) – Trial Attorney

Leslie G. Wolfe, Esq. (0072838)

WALTER & HAVERFIELD LLP

The Tower at Erieview

1301 East Ninth Street, Suite 3500

Cleveland, Ohio 44114

Phone: (216) 781-1212

Email: mcypfert@walterhav.com

lwolfe@walterhav.com

Larry Silver, Esq., Pro Hac Vice

David E. Romine, Esq., Pro Hac Vice

Gregory A. Koory, Esq., Pro Hac Vice

LANGSAM, STEVENS, SILVER & HOLLAENDER LLP

1616 Walnut Street, Suite 1700

Philadelphia, Pennsylvania 19103

Phone: (215) 732-3255

Email: lsilver@lssh-law.com

dromine@lssh-law.com

gkoory@lssh-law.com

Attorneys for Plaintiffs